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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/067,304  
Filing Date: February 07, 2002  
Appellant(s): FUJII ET AL.

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Edward W. Tracy, Jr.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 8/26/09 appealing from the Office action mailed 3/26/09.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

10/067,350 and 10/067,310

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

20020071540	Dworkin	6-2002
20060090013	Achacoso et al	4-2006

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication 2002/0071540 (Dworkin), in view of US patent 6,363,352 (Dailey et al), further in view of US patent application publication 2006/0090013 (Achacoso et al).

- As for claims 1, 3-5, 10: Dworkin teaches a computer implemented system and corresponding method connected to a network server (figure 2) for managing a first service of distributing contents and a second service of providing a group chat space, in real-time according to a reservation made in advance by the first terminal, and to a plurality of second terminals for requesting the use of first service and the use of a second service (0002-0008, 0015-0019), comprising the means/steps for: acquiring means configured to acquire reservation information, sent by the first terminal, to the information processing apparatus from a reservation database in order to provide the first service to the second terminal (0015, 0025), generating means configured to generate the chat space corresponding to the reservation at a predetermined time designated by the reservation (0019-0021, 0025-0028),

providing means for providing the chat space (0004, 0008, 0014, 0016, 0019, 0021, 0022, 0026, 0027) to the first and second terminals coincident with the first service (0004, 0019, 0021), the second terminal accessing the chat space and first service in accordance with authentication data (0024, 0025, 0028). Per Dworkin, recording/playback and live broadcasting services are provided (0027).

Dworkin discloses that chat room password is required for accessing the chat space (0026). Conference participants are notified and connected to scheduled conference at start time (0027). Streaming services, including whiteboarding and application sharing, are available for live broadcast of conferences (0027). Thus it appears that conference content is provided to the server such that whiteboarding and application sharing is available at the time of the conference. Even if it is not, implementation of providing conference content to the server is disclosed by Dailey et al (abstract, 3:61-4:3). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Dailey's teaching of providing conference content to the server to Dworkin. Motivation of the combining is for the advantage of automating content distribution as suggested by Dailey (2:65-3:3). The notification includes authentication data and email addresses (Dworkin's 0019, 0024-0028, Dailey's 10:10-18, 14:33-39). Since purchase options may include the video chat room, video chat room password for access to the chat room's schedule and reservation, and since the group customer may be responsible for creating and maintaining its own web pages (Dworkin's 0019, 0024-0028), it further appears that an internet webpage address of the user of the first terminal is also included in the notification in order for the notified participant to be connected to the conference at conference time. Even if it is not, sending notification with authentication, email address and webpage address data by the server to conferee is well known in the art and is disclosed by Achacoso et al (0108). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Achacoso's teaching of sending a

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notification message having an internet webpage address of the first user to Dworkin. Motivation of the combining is for the obvious advantage of being user friendly as suggested by Achacoso (0007, 0108). See also US 2001/0023430, par 0006-0007 and US 2006/0090013, par 0108). Per Dailey, the chat space is generated at “predetermined time” prior to a distribution start time (Dailey’s 5:27-30).

Dworkin discloses means for user tracking service (0021) and user presence information (0031), displaying of participant directory 156, usage tracking and billing (0031). Thus it appears that a viewer counting unit is implicitly included in Dworkin for counting and displaying a number of viewers of contents distributed by the user of the first terminal (conferees are viewers of distributed content). In addition Dailey discloses in 14:18-22 means for counting and displaying number of conferees which are viewers of distributed content.

- As for claim 2: Dworkin fails to clearly teach deleting the chat space at pre-determined time after distribution end time. However Official notice is taken that implementation of deleting the chat space at pre-determined time after distribution end time would have been obvious to one of skill in the art at the time the invention was made. Motivation of the implementation is for accounting and schedule management purposes.

- As for claim 6-9: Per Dworkin, recording/playback and live broadcasting services are provided (0027). The combined Dworkin&Dailey&Achacoso fails to clearly teach forwarding the chat conducted in the chatroom to the first terminal upon completion of the service. However implementation of sending a copy of the chat or meeting to a designated terminal is well known in the art (see US 5,852,656, claims 9 and 10; US 2005/0101338, par 0076; US 2002/0178222, par 0004, US 2002/0071540, par 0083, 0084, 0187). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of forwarding the chat conducted in

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the chatroom to the first terminal upon completion of the service to Dworkin&Dailey&Achacoso.

Motivation is for management purpose.

- As for claim 11: Dworkin fails to clearly teach that the reservation information includes a genre of the content. Dailey disclose reservation includes genre of conference content (13:33-44, fig 5). It would have been obvious to one of skill in the art to combine Dailey's teaching to include a genre of the conference content to the reservation for management purpose and also for informing participant the genre of the content.
- As for claim 12: Dworkin fails to clearly teach that the reservation information includes a description of the content. Dailey disclose reservation includes a description of the content (13:33-44, fig. 5). It would have been obvious to one of skill in the art to combine Dailey's teaching to include a description of the content to the reservation for management purpose and also for informing participant the genre of the content.
- As for claim 13: The reservation includes reservation date and time (Dworkin's 0025, Dailey's 13:33-44, fig 5).
- As claim 14: The reservation information includes an email address of the first user (Dworkin's 0019, 0032, fig 3; Dailey's 13:33-44, fig 5).

#### **(10) Response to Argument**

Dworkin discloses a system/method for hosting a conference. A user or group of users leases conferencing facilities from a host application service provider (ASP). The host ASP provides conference hardware and software, and an interface to users. Users access the host ASP via dial-in or web-based interface to reserve a conference, administer a conference remotely.

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The host ASP provides instant message, email, voice mail, calendar, billing and tracking, wireless communication facilities (0003), shared authentication data (0026, 0028) to members of the conference. The host ASP includes a bank of conference services. The host allocates conference services to a user interface in response to the user request, to enable transmission and reception of conference data (0004). Conference data include command data and audio/video data (0005). The user interface and the host exchange conference data over the Internet. The user interface comprises a web-based interface having a web page generated by the host (0007). Conferees receive distribution notice according to reserved addresses (0027). Conferees are provided a conference web page having email service, IM service, conference window service, and authentication service (0016, 0018, 0024-0027). A chat space is generated at scheduled time (0026). Dworkin discloses means for user tracking service (0021) and user presence information (0031), displaying of participant directory 156, usage tracking and billing (0031). Thus it appears that a viewer counting unit is implicitly included in Dworkin for counting and displaying a number of viewers of contents distributed by the user of the first terminal (conferees are viewers of distributed content).

The appellant argues that the combined references does not teach a viewer counting unit configured to count a number of viewers of content distributed by the user of the first terminal and to display the number of viewers. In response to the argument, Dworkin discloses means for user tracking service (0021) and user presence information (0031), displaying of participant directory 156, usage tracking and billing (0031). Recalling that register members are members who view the content distributed by the first user, thus tracking and billing would implies monitoring (“counting”) of participate members (member who are actively using the resources)



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for billing purpose. Participants are displayed in the directory 156. Figure 3 shows 3 members who are using the conference resource.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ba Huynh/

Primary Examiner, Art Unit 2179

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/Steven B Theriault/

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Supervisory Patent Examiner, Art Unit 2179